

1 J Christopher Jorgensen
Nevada Bar No. 5382
2 LEWIS ROCA ROTHGERBER CHRISTIE LLP
3993 Howard Hughes Pkwy, Suite 600
3 Las Vegas, NV 89169
Tel: 702.949.8200
4 E-mail: cjorgensen@lrrc.com

5 *Attorneys for Defendant*
6 *SYNCHRONY FINANCIAL*

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 CATHERINE LILLY,

10 Plaintiff,

11 v.

12 SYNCHRONY FINANCIAL, A
PUBLIC COMPANY D/B/A/
SYNCHRONY BANK,

13 Defendant.

Case No.: 2:16-cv-02687-JCM-VCF

**STIPULATION TO SUBMIT TO
BINDING ARBITRATION AND
ORDER**

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15 **IT IS HEREBY STIPULATED** by Catherine Lilly, (“Plaintiff” or “Lilly”) and
16 Defendant Synchrony Financial d/b/a Synchrony Bank (“Defendant” or “Synchrony”), by
17 and through their respective attorneys of record, that this entire action, Case Number 2:16-
18 cv-02687-JCM-VCF filed on November 22, 2016, and any of Plaintiff’s claims against
19 Synchrony related to her claims concerning the Telephone Consumer Protection Act of 1991
20 (TCPA) shall be submitted to binding arbitration. Said arbitration shall be heard in Nevada.

21 **IT IS FURTHER STIPULATED** that the District Court’s Order dated February 1,
22 2017, dismissing Count III of Plaintiff’s Complaint shall remain in effect.

23 **IT IS FURTHER STIPULATED** that all remaining matters related to this action in
24 the U.S. District Court, be immediately dismissed without prejudice and all dates currently
25 on Calendar with the District Court are vacated.

26 **IT IS FURTHER STIPULATED** that each party and their attorney of record hereby
27 agrees through this stipulation that this matter will be submitted to the JAMS Managed
28 Arbitration Process (“JAMS”) for binding arbitration.

1 **IT IS FURTHER STIPULATED** that each party and their attorney of record hereby
2 agrees that the arbitration, heard by Arbitrator Phillip M. Pro, will be administered by JAMS,
3 in accordance with the JAMS Comprehensive Arbitration Rules and Procedures.

4 **IT IS FURTHER STIPULATED** that except as may be agreed between the parties,
5 or their attorneys, or as otherwise provided by law, the Arbitrator in his or her sole discretion,
6 shall have the authority to rule on any and all motions submitted for determination by the
7 parties.

8 **IT IS FURTHER STIPULATED** that except as may be agreed between the parties,
9 or their attorneys, or as otherwise provided by law, the Arbitrator in his or her sole discretion,
10 shall control the proceedings and regulate the order of proof.

11 **IT IS FURTHER STIPULATED** that any award shall be in writing and signed by
12 the Arbitrator. It shall include a determination of the questions submitted to the Arbitrator
13 and the findings of the Arbitrator. Any party to the arbitration shall be entitled to have the
14 award of the Arbitrator entered in any court of competent jurisdiction.

15 **IT IS FURTHER STIPULATED** that each party and their attorney of record hereby
16 waives any right each may have to trial by judge, trial by jury, trial *de novo* or new trial.

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1 By signing this Stipulation, counsel of record for both Plaintiff and Defendant
2 represent that they have full authority from their respective clients to enter into this
3 Stipulation on their clients' behalf.

4 DATED this 4th day of April, 2017.

DATED this 5th day of April, 2017.

5 HAINES & KRIEGER, LLC

LEWIS ROCA
ROTHGERBER CHRISTIE LLP

7 By: /s/ David H. Krieger

8 David H. Krieger
8985 S. Eastern Avenue, Suite 350
9 Henderson, NV 89123
T: (702) 880-5554
10 E-mail: dkrieger@hainesandkrieger.com

By: /s/ J Christopher Jorgensen

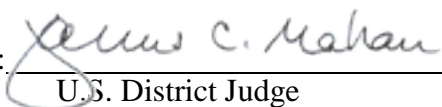
J Christopher Jorgensen (#5382)
3993 Howard Hughes Pkwy., Ste. 600
Las Vegas, NV 89169
T: (702) 949-8200
E-mail: cjorgensen@lrrc.com

11 *Attorneys for Plaintiff*
CATHERINE LILLY

Attorneys for Defendant
SYNCHRONY FINANCIAL

14 **ORDER**

15 IT IS SO ORDERED.

17 By: 
U.S. District Judge

18 DATED: April 9, 2018